


Braille Monitor



OCTOBER, 1985

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



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THE BRAILLE MONITOR

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THE BRAILLE MONITOR

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THE NATIONAL FEDERATION OF THE BLIND IS NOT AN ORGANIZATION
SPEAKING FOR THE BLIND—IT IS THE BLIND SPEAKING FOR THEMSELVES

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**MORE ABOUT BRAILLE PRODUCERS
AND THE NATIONAL LIBRARY SERVICE**

INSTABILITY IS THE WORD

by Kenneth Jernigan

In the April-May, 1985, issue of the Braille Monitor we carried an article entitled "Triformation, the National Library Service, and Geoffrey Bull." In that article we discussed the instability which is rapidly becoming the norm in the production of Braille. There was a time when the National Library Service for the Blind and Physically Handicapped (NLS) and the American Printing House for the Blind, with an infrequent assist from an occasional outsider, danced a quiet and stately waltz. But no more! That was before the days of Triformation and the Associated Services for the Blind of Philadelphia.

In our April-May issue we reported on the firing in February of this year of Geoffrey Bull, head of Triformation Braille Service. There was considerable controversy as to why the firing occurred, but everyone agreed that it had to do with the National Library Service Braille book production contracts for 1985. As the facts kept coming to light, the intricacy of it all seemed, to say the least, labyrinthine. Triformation was originally one company, with Guy Carbonneau as its head. Then, the company split into two separate corporations: Triformation Systems, Inc. (concerned with conducting various research projects and with the development and manufacture of Braille embossing

devices) and Triformation Braille Service. Apparently Carbonneau divested himself of any financial interest in Triformation Braille Service, selling controlling interest to Arthur Kleinpell. But when the maneuverings between Triformation Braille Service and NLS were taking place in the fall of 1984, Carbonneau was in the middle of it and seemed to be a principal actor.

Add to this the constant rumors that Triformation Systems was about to go bankrupt, and you begin to see the tip of the iceberg. Then, there is the Associated Services for the Blind of Philadelphia. It got the lion's share of the 1985 NLS Braille book production contracts, but it got them in a flurry of controversy—no bid at all from ASB in response to the original request for bids by NLS; all original bids scrapped on technicalities, and a new request for bids issued by NLS; and ASB walking away with the jackpot in the second round. ASB has only been in existence for a short time, having been created through the merger of certain Philadelphia agencies. The organization is headed up by Ben Holmes, who expressed himself as being unhappy with NLS bid procedures even though he got most of the contracts.

With respect to those contracts, it will be remembered that Geoffrey Bull

said that they never should have been awarded since Associated Services would be unable to perform. His exact words as reprinted in the April-May Monitor were: "The most regrettable aspect of this whole scenario is the Production Capacity Model (PCM) submitted by ASB. The fact that the majority of the 1985 press Braille book contract has been awarded to a Braille producer who submitted such a questionable PCM reflects poorly on the Braille production field. More so, the fact that this PCM was accepted, not once but by two separate review groups within NLS makes a mockery of the monitoring process which helps to determine federally funded Braille book contract allocations. Just to highlight how outrageous are the statistics submitted on the ASB PCM, using their performance criteria I have calculated that they claim to be able to produce 200 titles in one year with 4.5 data entry staff; 4 proofreaders; 1 press operator working only two days a week; and 1 person working in the bindery working 1 hour's overtime per week—other Braille producers would give their right arm for anything approaching that ability! Meanwhile, of course, in reality ASB will be seeking urgently for staff over and beyond those listed on their PCM. What madness that the successful completion of the 1985 book contract will depend in large part upon a lot of hard work, and a great deal of luck from one heavily over-committed Braille producer."

At the time we printed the April-May Monitor we had no way of knowing for certain who was right. Bull said ASB would probably not be able to meet their commitments, and never should have been given the contracts in the first place. ASB said they could meet the commit-

ments, and both they and NLS put name to paper and credit on the line to back it up. We now have at least part of the answer—but it has come in bits and pieces.

One of the first events of note occurred in May. I went to Toronto to attend the meeting of the North American delegation of the World Blind Union, and just before going, I was told that Guy Carbonneau had been fired as head of Triformation Systems and stripped of all managerial responsibility. At the Toronto meeting I discussed the matter with Frank Kurt Cylke, head of NLS. He confirmed that Carbonneau was out. Later, Jim Gashel interviewed Carbonneau by telephone and learned that a combination of other Triformation stockholders had apparently met and voted Carbonneau out. As might have been expected, Carbonneau was not happy about it. It appeared that B. T. Kimbrough, former employee of Dialogue Magazine, was at least temporarily in charge. Federationists will remember that Kimbrough's wife, Louise, was one of the employees of Triformation Braille Service who resigned last fall as a prelude to the firing of Bull.

To all of which one may say: What does all of this have to do with the NLS Braille book production contracts—what connection still remains between Triformation Systems and Triformation Braille Service—and what connection do all of the pieces have to each other? Maybe none.

Be that as it may, I heard in August that the Associated Services for the Blind of Philadelphia had defaulted on its book production contracts and that sizable portions of them were being awarded to other producers. Jim Gashel

put on his reporter's hat and picked up the telephone. Mr. Cylke, reached while attending a conference away from his office, acknowledged that ASB was, as he put it, "relinquishing" the contract to produce ninety-five Braille books that they had committed to produce under the 1985 Braille book production contract with NLS. He said that Benjamin Holmes of ASB had come to a meeting in Washington with NLS officials on July 29 (at least, he thought that was the date). The meeting was apparently to review ASB's year to date production and their capacity to complete the remainder of the contract. They had been awarded the contract to produce 215 Braille book titles during 1985.

According to Mr. Cylke, at the July 29 meeting (or shortly thereafter) a decision was made to scale back the ASB contract. It was decided that ASB could not handle 95 of the 215 books which they had contracted to produce, and these were reassigned to three other producers. Mr. Cylke said that the decision to "relinquish" was made voluntarily by ASB. Therefore, technically there was not a default on the contract. However, Mr. Cylke added that there would have been a default if the decision to scale back had not been made. The resulting reassignment of Braille books sent 69 to the American Printing House for the Blind, 3 to the National Braille Press, and 23 to Triformation Braille Service.

Whatever else may be said, one thing is apparent. At least in some of his assessments Geoffrey Bull was right. Review the April-May Monitor for confirmation. And, of course, 1985 is still not over. We do not know what other adjustments to the contract may be

made.

Rumors and speculations are not hard to find. Associated Services for the Blind, while "relinquishing" a large chunk of its 1985 NLS Braille book production contract, has allegedly received a \$75,000 Braille production contract from another source. If this is true (and we must emphasize that it has not been confirmed), it raises interesting questions—legal, ethical, and otherwise. What will happen with next year's contracts? For that matter, what will happen with the remainder of this year's?

But there is more: In late August word came that Triformation Systems had closed its Boston office and fired its northeastern sales representative. It was also alleged that Triformation Systems was no longer honoring its service contracts on Braille producing machines and that bankruptcy was inevitable. Again, Jim Gashel picked up the telephone. He talked with Lee Brown, who said that he became president and chairman of the board of Triformation Systems on May 31, 1985. Brown has most recently resided in Tampa, Florida, but says he has now moved to Stuart, Florida, where he oversees the day to day operations of Triformation Systems. Brown says he is the principal stockholder in a corporation known as Clark Technology, which markets a British-made device called Braille-Link. According to Brown, Triformation Systems will now likely take over the U.S. marketing of Braille-Link. Perhaps you can see why I said earlier that the only word to describe it all is "labyrinthine." These further facts were gleaned from the interview with Brown: Besides its principal headquarters in Stuart,

Florida, Triformation Systems has maintained an office in Boston, Massachusetts, to cover sales for the northeastern portion of the United States. Brown closed the Boston office recently and fired Roger Cicchese, who was serving as manager of that office and northeastern marketing director. The move was described by Brown as merely "cost cutting"—but the circumstances of the firing suggest more.

Cicchese told the Monitor that he was called in late July from Triformation headquarters in Stuart, Florida, by a fellow employee in the marketing department. According to Cicchese, the employee said that she would be visiting in Vermont during the first weekend of August and would like to stop over in Boston to see Cicchese for a social call. Cicchese said they agreed to meet at the Boston Triformation office on the morning of Friday, August 2.

Cicchese said that the marketing employee from Stuart did, indeed, arrive at Triformation's Boston office, but it was not a social call. She was not alone. Cicchese says that an employee from the accounting division of Triformation was with her. The employee from accounting handed over checks (including a payroll check), commission payments that were owed Cicchese, and travel reimbursements. Then, according to Cicchese, she began talking about details connected with the closing of the Boston office. Cicchese says he knew of

the plan to close the office, so this was no surprise. However, he says he was never given any intimation until that very morning that his job would also be terminated. That fact, according to Cicchese, unfolded as the representatives from Triformation headquarters began asking for equipment which had been assigned to Cicchese for marketing purposes. It was then (and only then) that the Triformation visitors admitted under questioning that Cicchese's entire relationship with the company was being severed—effective immediately. There were no allegations of poor performance, Cicchese says—just the need to "cut company costs."

With the firing of Cicchese, the Triformation Systems sales force was cut in half. Why would a company that is fighting to stay afloat cut its sales force first? Lee Brown had no answer to that question—just "cost cutting," he said.

With all of the seemingly related occurrences, we are left with as many questions (in fact, more) than we had in the beginning. It does not augur well for the orderly and increased production of Braille—and this, of course, is the primary concern of the blind. We will have to wait for further developments to see what comes of it all. In the meantime we can only hope for stability and for more material in Braille than we have had in the past.

BARKING UP THE WRONG TREE

by James C. Moynihan

(Note: The following article is reprinted from the Blind Missourian for July, 1985. The Blind Missourian is the official publication of the National Federation of the Blind of Missouri. Jim and Jana Moynihan are part of the leadership of the NFB of Missouri.)

The NFB is responsible for the language of the White Cane Law in all fifty states. These laws prohibit discrimination against blind persons in places of public accommodation. We react vigorously when we encounter instances of discrimination. Recently I had to deal with an equally vexing problem, an instance of alleged discrimination which actually did not occur.

One Wednesday evening a channel 8 news reporter, Stan Cramer, stated that it is difficult for a blind man with a seeing eye dog to shop for groceries. "Difficulties are magnified when he encounters opposition from the management of the grocery store."

A blind man with his guide dog went to Milgram's Grocery to shop. Customers complained that the "leader dog" was licking the labels of canned goods. The management offered to assist the blind man with his shopping but he refused. Instead, he called the police, alleging that the manager had discriminated

against him.

The t.v. reporter explained that the White Cane Law allows blind persons and guide dogs in places of public accommodation as long as the dog is in harness and well behaved.

We were already familiar with the blind man. I had already contacted Leader Dog regarding his poor handling of the dog. Officials had made excuses, stating that the man was older. In fact, this man has a history of problems with his dog.

I called Stan Cramer and gave him a brief narrative of this man's exploits. I offered that Jana and I would go shopping at Milgram's to see if anything would happen. Stan asked me to let him know what happened. On Friday of that week Jana and I went to Milgram's and bought several items. Store personnel were pleasant and cooperative when we asked for help in finding a particular item. I then called Mr. Cramer and let him know what happened. He said that the story was done primarily to let people know about the White Cane Law. I told him it was one thing to inform the public but that this man gave blind people and guide dog users a bad image. I wonder if a legitimate case against a guide dog user would receive equal exposure?

PROGRESS IN FIGHTING INSURANCE DISCRIMINATION

AGAINST THE BLIND

On Wednesday morning, July 3, 1985, the convention of the National Federation of the Blind discussed the topic: "Progress in Fighting Insurance Discrimination Against the Blind." The first speaker was Bruce Foudree, Insurance Commissioner for the State of Iowa and President of the National Association of Insurance Commissioners:

REMARKS BY BRUCE FOUDREE

It is an honor to be invited to join you here this morning, and I'd like to talk just very quickly about insurance. I understand there will be an opportunity for questions afterwards.

What do Insurance Commissioners do? Why are we around, and what are insurance departments for? Insurance departments exist to protect the public, and we do that in a couple of ways. Number one: We monitor the financial condition of insurance companies so we're sure they'll be around to make good on their promises to pay when the time comes. Number two: We supervise their conduct and the conduct of their agents in the marketplace when they sell to the people. We have had many problems over the course of the last four or five years, including the problems with the availability of insurance, reinsurance, and (most recently) the Baldwin-United situation and the failure of the Baldwin-United companies.

1984 was the worst year in the history

of the property and casualty insurance industry. Historically, the losses exceeded investment income for the first time. Despite that and the fact that we have had hundreds of issues to deal with, there is one issue that the commissioners feel is important and which they have singled out for attention. That is unfair discrimination against blind persons in the sale of insurance.

The National Association of Insurance Commissioners, therefore, has taken a number of actions to deal with this problem. Several years ago we passed model language prohibiting unfair discrimination against physically and mentally impaired persons and blind persons. This was intended to supplement our national model on unfair insurance trade practices. Last year we testified before Congress about this problem, as did the National Federation of the Blind. However, we discovered that a number of serious problems still existed. We decided that our previous legislation was not enough to deal with the problem.

Therefore, in August of last year (1984) we sought to reestablish our link between the National Association of Insurance Commissioners and the National Federation of the Blind. We set up a working group of commissioners to act as a liaison with the Federation, and we surveyed the life insurance industry members for action on our rules and

regulations. As a result of the problem which we uncovered: In December of 1984 (just four months later) the National Association of Insurance Commissioners did a couple of things. First of all, we adopted a new model regulation specifically aimed at unfair discrimination against blind persons. I'd like to read you the heart of that regulation. Very simply, it says: "The following are hereby identified as acts or practices which constitute unfair discrimination between individuals of the same class: refusing to insure or refusing to continue to insure or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness or partial blindness."

A number of states have adopted that regulation so far, and many others are in the process of adopting it. Suffice it to say that this is the major direction the Association is taking—that is, to amend the regulation. I will say that we are opposed to federal involvement in this area. We are strongly opposed to federal regulation, and the states therefore are taking action so that we can do a better job of dealing with this problem. The NAIC (National Association of Insurance Commissioners) is supporting, monitoring, and coordinating efforts to have the new model rule adopted in the states, and insurers' responses are also being monitored. We have received correspondence from the life insurance industry on this issue. One letter we received from Northwestern National Life Insurance Company stated:

"We would like to applaud the National Federation of the Blind's efforts and

the NAIC's efforts in adopting this amendment. We have reviewed our underwriting guidelines, and we are in compliance with the amended regulation. We will comply with the amended regulation in all jurisdictions in which we do business, whether or not the particular jurisdictions have adopted the amended regulation."

We think that this, so far as we can tell, is indicative of what is occurring throughout the insurance industry today. However, as I say, we're going to continue to monitor this to be sure that, in fact, the insurers are complying with the new model regulation. We will also put pressure on those states that are slow to act in adopting the regulation. In that regard, the National Association of Insurance Commissioners has passed a resolution, which I'd like to read to you. It says:

Whereas, it has come to the attention of the various members of the NAIC that certain members of the insurance industry are engaging in activities which are intended to be prohibited by the model regulation on unfair discrimination on the basis of blindness or partial blindness; and

Whereas, such actions constitute unfair discrimination against blind persons in the sale of insurance; and

Whereas, the NAIC has deemed it necessary to amend the act as of December, 1984, in order to clarify its intent to prohibit those acts; and

Whereas, it is essential that all states act to prohibit such actions. Now, therefore:

Be It Resolved that all states are urged to immediately take steps to seek enactment and implementation of the

changes to the model regulation on unfair discrimination on the basis of blindness or partial blindness adopted by the committee in December, 1984.

Be It Further Resolved that the NAIC Support and Services Office [that's our headquarters office in Kansas City] shall assist the office in monitoring the efforts and progress of the states in achieving enactment and implementation of the provisions of the amended model act prohibiting unfair discrimination against blind persons.

In the meantime what can you do if you have a problem, or if you have a problem with a particular insurer or a complaint? Number one: You can call your insurance department for information or help. Most departments (but not all of them) have some kind of public service division or consumer division which is set up just for that purpose—to respond to inquiries from the citizens in that state. Number two: If you have a complaint, put it in writing to your insurance commissioner—and I have a special request, and that is if you do write to your commissioner or your department about a complaint, I would ask you to send a copy of that to the NAIC general counsel. The address is 1125 Grand Avenue, Kansas City, Missouri 64106.

Let me conclude by saying that we want to work with you in dealing with this problem. We invite your input, and I want to thank you again for inviting me to join you here this morning.

The next person to speak was a representative from the insurance industry. He was Michael Marchese, Vice President

of Governmental Relations, Lincoln National Life Insurance Company, Fort Wayne, Indiana:

REMARKS BY MICHAEL MARCHESE

It is a privilege for me to be here. You've invited me to say a little bit about my industry's perspective on life insurance for the blind. Let's begin by recognizing that your Federation and our industry have had some differences on this subject. And those differences, I suppose you might say, have centered on whether our actuarial statistics are reliable or not. It seems to me the best approach to our topic is a brief summary of Lincoln National's approach to underwriting so-called special risks. Then, I will address myself directly to the matter of life insurance for the blind.

While most people today can get life insurance, this was not the case when Lincoln National set up shop back in 1905. At that time individuals in some high risk categories, such as railroad engineers and others, were unable to purchase insurance coverage at any price. Much of Lincoln National's early success can be attributed to its pioneering role in offering insurance to these so-called "special risks."

Given sufficient data and competent analysis, we reasoned, it should be possible to predict the mortality of these "special risks," and price insurance accordingly. And that's exactly what we did. As early as 1913 the industry was turning down the request of one applicant in ten. Thanks to its special risks analysis, Lincoln National was rejecting only one in twenty-five. We were the first company to offer life

insurance to diabetics, beginning to issue this coverage in 1946. In 1977 we were among the first to offer insurance to individuals who had recovered from coronary bypass surgery. This was good business. An insurer that is able to profitably accept risks that its competitors will not has an edge.

As you can appreciate, competition in the marketplace is what drives life insurers to price products at the lowest possible rate and to sell those products to the widest possible market. This being the case, you may ask: "Where was Lincoln National and the rest of the insurance industry when it came to issuing policies to the blind?" Part of the answer has to do with pure economics, and this is kind of a sad story that you already know all about. Those in the market for insurance (typically) are employed. They want life insurance to protect their family's standard of living against loss of income due to untimely death. A relatively small number of blind people fit this description. By one estimate there are about 500,000 blind Americans. Of these, more than half are past retirement age, and another 40,000 are under nineteen. Retirees rarely need to buy insurance. Lincoln National almost never receives an application from a retiree. Those in the younger age classification seldom have dependents or substantial incomes.

This leaves about 200,000 blind persons in the prime life insurance buying years. Statistics show that the rate of participation in the labor force by the blind is much lower than the general population. Less than one-third of working age, visually disabled persons are in the labor force. This compares

to a participation rate of almost three-fourths for the U.S. population. Obviously 60,000 to 70,000 people, then, are not a very big market for life insurance.

As you can appreciate, gathering data to adequately underwrite life insurance for a given risk category is time-consuming and expensive. Like many other insurers, Lincoln National viewed the potential market for insurance among the blind as too small to command the resources necessary to gather and analyze relevant data.

But there is a consideration beyond economics. A moment ago I mentioned that Lincoln National was among the first to offer insurance to people like diabetics and bypass patients who couldn't buy insurance at all. Blind people don't fall into this category. Lincoln National and most other companies have issued life insurance to the blind. Most blind people who seek our coverage are rated as standard risks. Between 1977 and 1984 Lincoln National received forty-one applications from blind people. Of these, thirty-two were rated as standard risks and six as substandard. Two were denied for reasons other than blindness, and one application was withdrawn.

For what reasons might a blind person be rated as a substandard risk? Certainly the cause of blindness is a consideration. For example, an individual whose blindness results from diabetes probably will pay more for insurance than an otherwise healthy person whose blindness was caused by an accident. Except in the case of individuals whose blindness is recent (and now I'm getting to the nub of it here) we have not considered blindness per se as an under-

writing factor. In the past we have, though, rated people who have been blind for five years or fewer as substandard risks. This is the issue, as you know, over which the Federation and the insurance industry have disagreed.

I believe you also know the outcome. State regulators, working with Mr. Gashel and the industry, have developed a model regulation which, in effect, states that blindness or partial blindness per se may not be used in classifying life and health insurance risks. It is my understanding that this regulation meets with your approval—and I'll say that it does with Lincoln, too. Although it's academic now, I must tell you that statistical evidence that we have (and Jim Gashel and I have debated whether our sample is large enough to produce relevant statistics) suggests that during the five-year period immediately following the onset of blindness, blind people do show mortality experience which is about two and a half times standard.

I'm not persuaded that we have any idea why this is. Some have offered the opinion that the deaths are stress related. For instance, we find a higher than expected incidence of circulatory diseases cited as causes of death among the newly blind. But we sure can't prove what I just said.

But this is all academic now as I've said, and Lincoln National will abide by the letter and the spirit of this regulation. We're in the process of revising our underwriting manuals to reflect this change. In the meantime, though, we have in fact conformed our own underwriting practices to the new regulation. In our home state of Indiana, the new regulation has been promulgated by the

insurance department. We've urged our sister companies down in south Indiana (and there are some twenty-five of them) to change their practices—not only in Indiana but throughout the United States; and I am confident that they will do that.

It's worth mentioning that many other life insurance companies adopt our underwriting manual as their own. This is because we are a major provider of reinsurance to these other companies. We've written a letter to each of our approximately 700 reinsurance clients (that's other life insurance companies) advising them of the changes and recommending that they be adopted. I think Mr. Gashel has copies of these letters and our new guidelines, and I'm confident that all of our reinsurance clients are going to be doing this.

As I said at the outset, there has been disagreement as to how or whether the insurance industry should have used blindness as an underwriting criterion. I think that's all behind us now. In any event I'm certain of one thing: I have absolutely no desire to debate this issue any longer with Jim Gashel (laughter and applause) in front of the state regulators or the United States Congress. I thought I was a pretty good lobbyist, but I now know what one really is—and that's Jim Gashel! Where the life insurance marketplace may have failed you, Jim has succeeded. Blindness per se will no longer be an underwriting criterion for life and health insurance. Jim and I now, hopefully, can turn our attention to other, more important issues.

It's been a real privilege to get to know Jim, and also to become acquainted with this fine organization of yours. I

thank you very much for giving me the opportunity to be here with you today.

President Jernigan said: "Thank you, Mr. Marchese. I must say: You take your lumps and express your opinions with great good temper and equanimity—and that is what a man ought to do. We try to do the same. The final member of our panel is our own Director of Governmental Affairs, Jim Gashel:

REMARKS BY JAMES GASHEL

Thank you, Mr. President, and thank you, Michael Marchese! He does take it fairly well. We really have had, I think, a very good year, at least in the business of insurance.

Let me go back and retrace, though, why we got here. I think that's important for us to know—because it has a lesson, not only in this particular struggle but in many others that we engage in. I can remember when I was graduating from college and thinking about the business of buying insurance. I ran into a company—also domiciled in Indiana, Mr. Marchese—but not yours.

They said they wouldn't sell me certain types of coverage. They would sell me standard coverage, but they wouldn't sell me certain other types of coverage. I suppose I could have taken my money (and ultimately did, actually) and gone to other insurers and bought the same insurance—in fact, better insurance. But I didn't like it, and it did something to me to know that I was the victim of discrimination. At that point

in time, as an individual, there wasn't anything I could do about it.

How many of you have ever felt the same way when you've been the subjects of discrimination? (Applause) I vowed, along with the rest of the members of the National Federation of the Blind, that we were going to do something about that problem. We started going to the National Association of Insurance Commissioners twenty years (count them) twenty years ago this year—in December of 1965. Our representatives asked the National Association of Insurance Commissioners to do something about this problem—because they could regulate insurance. We couldn't.

Well, the commissioners listened, and they were polite. Then, they went home and they did nothing. The years went by, and I (along with others) continued to experience discrimination—and we continued to pay the extra premiums. We continued not to be able to purchase certain types of coverage that we should have had all along.

It wasn't until 1976 that we began to get action. It took a fairly dramatic incident with our own Jim Omvig of Iowa, who attempted to purchase flight insurance at the Des Moines airport. The flight insurance company, an affiliate of Mutual of Omaha, would sell Sharon Omvig \$375,000 worth of flight insurance—a sighted person \$375,000 worth of flight insurance. But Jim Omvig (blind) could get only \$20,000 worth of flight insurance. So I guess our ratio to the sighted is \$375,000 to \$20,000, apparently, according to the affiliate of Mutual of Omaha.

Mr. Omvig didn't propose to fly the plane. He just proposed to sit on it and ride—sitting right beside Sharon.

Yet, his life was only considered to be a fraction of the value of hers. And that is wrong. So we went to the press, we went to the public—and we went to the Iowa State Insurance Department. There we found a man of conscience, and he was Herb Anderson (now deceased), who was at that time the Insurance Commissioner of Iowa. He said:

"We're going to do something about this problem." So we picked up an ally. It was the state of Iowa in 1977 that enacted the first insurance regulation prohibiting discrimination based on blindness. The industry responded with fury. Almost immediately there was a lawsuit to overturn that regulation. That lawsuit did successfully overturn the original Iowa regulation.

We also went to the National Association of Insurance Commissioners to get a model regulation adopted with respect to blindness nationally so that all states could benefit from the same experience that we had in Iowa. That model regulation was negotiated and enacted with the assistance of the National Federation of the Blind in 1978. The odds were a little different for us in 1978 from what they are today. The National Association of Insurance Commissioners conducted a proceeding wherein a panel (a select panel) was set up of, I believe, about eleven industry members and one blind representative. That blind representative was Jim Omgig, representing the National Federation of the Blind.

That's not bad odds, eleven to one. We still came out with a model regulation that purported to prohibit discrimination based on blindness. Unfortunately it had one loophole in it. It said that there could be a different form of coverage (higher rate or no

coverage) if it was justified by sound actuarial principles or reasonably anticipated experience. That's the essence of the business. Well, very shortly thereafter, companies like Lincoln National and some others began to argue that it was reasonable to deny a blind person disability income coverage, for example, and some other features because it was reasonable to expect that blind people simply would have more hazards. They had a few figures (but not many) to back it up. At least one state insurance department (the state of Washington) agreed with Lincoln National that it was reasonable to assume that blind people would be at greater risk, and they found against a complaint brought by one of our own members, Scott Lewis.

We had a series of other incidents occur in the 1980's which led a number of us to conclude that we really had not succeeded in what we thought we had achieved in 1978. Sure, we had a national regulation—and sure, a number of states had adopted it; but sure, it was reasonable to discriminate against the blind. That's what was being said at that point in time.

So we decided to take our message to Congress, as we so often do. In the 98th Congress the Fair Insurance Coverage Act was offered. That got somebody's attention. We began to hear all of a sudden from the insurance industry. We began to hear all of a sudden from the insurance commissioners. We began to read material from the industry and from the commissioners that said straight out that now that Congress was considering the Fair Insurance Coverage Act, the policies might, in fact, have to be changed.

Well, Congress did consider the Fair Insurance Coverage Act, in the last session. It was reported favorably from the House of Representatives subcommittee before we ran out of time.

But by that time the attention of the insurance commissioners had been drawn enough to this issue that the momentum was building for something to be done. That something was done, as Mr. Foudree described, in December when the model regulation on blindness was changed so that now there may be no reason for discrimination against blind people whatsoever—no matter what the actuarial evidence, or the notes on a lawyer's scratch pad, or the figures dredged up out of some computer might say.

An insurance company may not discriminate against blind people under that model regulation. That was the achievement of last December. Does that mean the battle is over? NO WAY! I continue to hear (even at this convention) from people who say "I'm being discriminated against by an insurance company. What can we do about it?"

And I say that we're trying to do something about it. We can never afford again to have occur what did occur in 1978 when we thought the battle was over. Because I described the insurance industry to somebody the other day as a multitentacled beast. You can deal with one or two tentacles of it, but a couple of others are bound to jump up and bat you in the nose. It's hard to know whether the insurance industry or the commissioners can actually speak with one tongue, or whether or not the commitment of one or two can become the commitment of all. We have gone back to the Congress (the 99th Congress) with a new Fair Insurance Coverage Act. I'll

talk about that later this week. At this time I would just say this: At the meeting we had last December with the insurance industry and the insurance commissioners I was asked (after making a presentation): Having considered the model that has been described to you, would the National Federation of the Blind go out with the states and try to get the model enacted? And I said, unequivocally, "Yes, the National Federation of the Blind will go to the states and will try to get the new model enacted."

Then, I was asked would the National Federation of the Blind cease its efforts in Congress to try to get a national law enacted prohibiting insurance discrimination based on blindness. I said, unequivocally, "No, the National Federation of the Blind will not cease its efforts in Congress, because we're just buying a little insurance policy ourselves—just to be sure that the industry and the commissioners never forget that the blind are here and we will not tolerate discrimination in insurance."

At the conclusion of Mr. Gashel's remarks President Jernigan said: "You can see from what has been said this morning (not just from Mr. Gashel but also from Mr. Foudree and Mr. Marchese) that, with respect to insurance, the past year has been a landmark time—a time of unparalleled success. I want to talk with you a little bit about where we go from here. As Mr. Gashel has said, the battle is not over even though I think we can begin to see enough progress to know that victory is very

nearly in sight. I think it is in the July Monitor that we have an article about the Washington State Insurance Commissioner. That article sets forth correspondence between Scott Lewis, one of our members in Washington, and the State Insurance Commissioner. The correspondence is so interesting that I think it deserves to be seen by all of the insurance commissioners. When we go home from this convention it is my attention to duplicate that article and send it to every state insurance commissioner in the country—including the one in Washington; and to every member of Congress; and to other appropriate groups...

"Whether Mr. Marchese started from the same viewpoint that we started from or not, he says unequivocally that Lincoln National will not use blindness in any way as a special consideration in writing insurance. That's really what we want. Lincoln National is key in this business, because as he says, they do a great lot of the reinsurance business in this country. If we work together with them (and you can see that he comes to us with good temper and, I think, with a positive and cooperative spirit), I believe we can turn the whole insurance industry around. That will be one thing we can put behind us. We can work cooperatively to get the things done that we want done.

"I will now ask Mr. Gashel, Mr. Marchese, and Mr. Foudree to get to microphones. You can share a microphone here at the table. We can engage in discussion and questions from the audience.

Gashel: "My question is for Mr. Foudree. Some of the state insurance departments really aren't all that well staffed, and the blindness problem is really not all that common to them. Some of them try to batch types of complaints and sort of look at an industry after they get several complaints on an issue. I know you've described that that's the situation in Iowa currently. It may well be the same situation in other states. Given those facts, how can we be sure that in a given state a single blindness complaint filed with an insurance department will get action unless we have some kind of federal law that gives us a federal right of action in a court if the state insurance department can't do its job for us?"

Mr. Foudree: "Well, two things on that. First of all, in my remarks I asked that a copy of the complaint be sent to the NAIC, and I did that for a reason. That is so that we can monitor what the states are doing. We'll have a little peer review if you will. Second of all, a word of warning about federal legislation. I'm not sure it's the panacea you think it will be. In fact, if any of you have ever tried to complain to a federal agency, you know what I'm talking about. So I'm not real encouraged about any kind of response that you'll get from the federal level. Be that as it may, I think that we (as the states) can do a better job; and for those states that won't act, the NAIC will step in. That's why I asked for a copy of that complaint to be sent to us. We're doing the same thing on financial examinations."

President Jernigan: "Mr. Foudree, let me say to you that I think your suggestion that we send copies of any

The first question was asked by Jim

complaint to your office is a good one. I would say to the members here that a copy of any insurance complaint that you make, should be sent to the National Office of the Federation so that we may be in touch with the NAIC to be sure that we coordinate efforts. Once we get the pattern established, I think we won't have the kind of problems that we've been having. Mr. Foudree, just as a matter of information, we agree with you. Very often the federal agencies aren't as good as the state agencies in dealing with complaints. The reason for the federal law is not so the federal agencies can do the job. It is so that we can go to court and do the job for ourselves."

The next person to speak was Charlie Brown, President of the National Federation of the Blind of Virginia: "Mr. Foudree, I'm from Virginia; and after the resolution was passed in December, I contacted the Insurance Commissioner's office, and they were not aware of the resolution. In fact, they did not believe me when I said that such a thing had passed. They told me to send it to them, which I did. I think we're going to work out things in Virginia, but the point is this: You said that the NAIC and the industry do not want us to push for federal legislation. Yet, what is it that the NAIC is prepared to do (and will do) to make sure that this regulation actually gets adopted?"

President Jernigan: "Charlie, in furtherance of what you have said, the Monitor article points out that the state of Washington has an Insurance Commissioner who categorically says that he has no intention of abiding by the model regulation. So we call publicly to your attention, Mr. Foudree, one such

situation—the state of Washington. Their Insurance Commissioner says that he does not believe in the model regulation and that he is right and isn't going to abide by it!"

Mr. Foudree: "Well, we recognize that there are going to be a handful of states that may not adopt this regulation, or may not intend to adopt it. As I said, we're going to put pressure on those states. I haven't seen the correspondence from Washington, so I can't comment on that specifically although I'm very interested in it. As far as Virginia, Commissioner Thompson is, I think, by now (as most of the members are) aware that this is a commitment that the NAIC has made—so we're going to push on it. We're doing the same thing with states that are reluctant to act on insurance companies that are in trouble financially. We're putting pressure from the national level on those states, and I guess if your state is not one that has adopted the regulation, I would urge you to put additional pressure on the commissioner—and if there is a problem there, let me know, and I'll work with you on it."

The next person to speak was Jim Omvig, Director of the Louise Rude Center for Blind and Deaf Adults, Anchorage, Alaska: "We have to be very careful as we work with the state insurance commissioners not only to get the model regulation adopted but to make sure that it is adopted in the form in which it is now presented by the National Association of Insurance Commissioners. We have had hearings in Alaska, and it will be adopted. It's written in a little different structure, but precisely the language and the intent are now there. After the state

people brought home the model regulation from the NAIC meeting, they decided to make some alterations; and if we of the National Federation of the Blind had not been watching very closely what they were doing, we would have had a regulation in Alaska that was worse than the 1978 thing. So I advise all of you from all state affiliates to get hold of that regulation yourselves and know precisely what it means. Then, work with your insurance commissioners to make sure that the proper language is adopted.

"Now, Mr. Foudree, I want to give you some notion of the magnitude of the problem we still face. A phenomenal thing happened to me last week, and I'll do something about it as soon as I get home. I was in the process of buying group life insurance for the employees of the agency which I now direct. New York Life refused to sell group life insurance to an agency because it had blind employees on its staff. That's a new one for me. I thought you might as well get the word. They will get it from me as well, as soon as I get back."

Mr. Foudree: "May I just say something in response to that and the earlier question about the federal legislation. I guess it's important to emphasize that the states (the state insurance departments) have jealously guarded their right to regulate insurance. In this country the states regulate insurance, not the federal government. I would say that if there is going to be a state or two that does not eventually adopt this model legislation that we've passed, then I think you have every right to go to that state legislature and let them know, and pass a state law. I still think your best bet is to pursue it at the state level—in those courts where

you will have the most influence, not in the federal court."

The next person to speak was Dick Davis, a rehabilitation counselor with the Iowa Commission for the Blind and a long-time member of the National Federation of the Blind of Iowa: "This is addressed to Mr. Foudree. Mr. Foudree, I know of a case in Iowa in which a blind woman with Retinitis Pigmentosa applied for health insurance for herself and her children. She was rejected by two companies and appealed the rejections to your department in January. In letters written to your staff, both companies said that they weren't discriminating because of blindness. Instead, they made a big deal of the fact that Retinitis Pigmentosa is a degenerative condition and that the risk was too great because of the serious multiple health problems associated with Retinitis Pigmentosa—things such as cataracts, near-sightedness, and deafness. Since most people with Retinitis Pigmentosa don't have these problems (and near-sightedness isn't much of a disability anyway), this is obviously a camouflage to cover up discrimination based on blindness. This has dragged on for six months, and still she doesn't have any health insurance. What can you do about this?"

Mr. Foudree: "Obviously I can't be aware of every one of the hundreds of complaints that we get, but first of all let me ask you, what were the names of the companies?"

Dick Davis: "One was Bankers Life, and the other was something General Insurance Company of Omaha. I think it was Continental General Insurance Company of Omaha."

Mr. Foudree: "What I'd request is that

you send me copies of that material, and I'll look into that personally."

Then, Larry Posont, who is one of the leaders of the National Federation of the Blind of Michigan, spoke: "In the last ten years I've purchased life insurance twice. The first time I had no problems getting life insurance, but I kept having the problems getting the premium waiver. Just this year (I will send the information to you this week when I get back) I got the life insurance—but the insurance company says denied waiver of premium. The report said that I had no problem other than blindness, but they wouldn't admit that they were discriminating because of blindness. They're still taking my money for premium waiver. Now, I went to the state insurance commissioner, and I haven't gotten a response back from them; but they were willing to take my money for that premium waiver while my application was in the insurance company—but they sure weren't willing to give it back to me once I gave it to them."

The next to speak was Marc Maurer, President of the National Federation of the Blind of Maryland: "I'd like to ask Mr. Marchese a question. Mr. Marchese told us that Lincoln National was not going to consider blindness in the sale of insurance, and that is very encouraging. What can Lincoln National do? Here you are coming to speak to us from the industry. The industry is not one company but a great number of companies. What can Lincoln National do to help get the new policy adopted throughout the industry, across the board, in all of the insurance companies?"

Mr. Marchese: "Well, if I'm as good at my job as Jim Gashel is at his, I think

there's a lot I can do. I've already told you the principal thing we can do. We have 700 life insurance companies that are our clients. They buy reinsurance from us. Most of them underwrite the same way we do, so that when we change our underwriting practices in respect to blind people, they will, too. That'll have a major effect. We have an association of life insurance companies that are domiciled in Indiana. I have no doubt in my mind that those Indiana companies, at our urging, will be changing their underwriting guidelines with respect to blind people. Beyond that, I've got a lot of friends in the industry. I go to meetings like these that you're having, and I will have a lot of people in the industry who feel the same way I do about this. Together I think we can make a real difference in the way the life insurance industry deals with blind people. That is to deal with you just like we deal with everybody, and try to sell you life insurance... One way to get our attention is to threaten us with a federal law. It's not really relevant whether the law ever passes or not. So long as the threat is there, you have our attention."

President Jernigan: "With respect to that (and not in the way of a threat, but simply thinking out loud with you) I suspect that since we have a great many things to do, the amount of priority that we give to passage of this law, and the amount of energy that we're willing to put into it, will probably depend on the amount of progress we see."

Mr. Marchese: "I would have assumed that, sir."

After this exchange Peter Grunwald (one of the leaders of the National

Federation of the Blind of Illinois) spoke: "Somewhere in line with what Mr. Omvig was saying and what you yourself were just saying, I think it would be instructive for people to hear of our experience in Illinois. Soon after the resolution came from the NAIC, we approached members in the general assembly and in the insurance commissioner's office to talk about adoption of the new model regulation. Everybody agreed it was a fine thing to do. The insurance department said they'd sponsor a bill. The next thing we knew, they had sponsored a bill all right, but it included the language regarding actuarial evidence and reasonably anticipated risk. We said: 'You've already got that on the books. What do you need to adopt that for. That isn't the new model regulation at all.'

"They said, 'Well, we really aren't terribly happy with the new model regulation.'

"We said, 'Well, we're just going to have to see what we can do.' I talked to Mr. Gashel and asked: 'Who can I contact in the NAIC to see what they can do?' He gave me Mr. Skip Myers' name, and I talked to Mr. Myers, who's I guess, their Washington representative. I said: 'You aren't going to have a very effective time convincing the Congress

that we don't need federal legislation if you can't even get the states to adopt the model regulation.' He said he would see what he could do. And sure enough, in a matter of just a few days I had a call from the insurance department in Illinois saying that they would amend the bill to be exactly the model regulation..."

Mr. Marchese: "Change is slow, but sometimes you have to do the sort of thing you did. Again, I urge you to write to the National Association of Insurance Commissioners. That's how we're going to try to enforce this thing nationwide."

After further discussion and questions, President Jernigan brought the insurance discussion to a close with these remarks: "Gentlemen, I'd like to thank the three of you for participating. I think this has been helpful. It's encouraging. I think when we can get together and discuss problems and take collective action such as we have taken, it brings good results. You can all see from what has been said here that blind persons now and in the future who get insurance without difficulty and who will think nothing about it would (if they really had the data) thank the National Federation of the Blind for making it possible."

SELF-RESPECTING BLIND ATHLETE REJECTS SECOND-CLASS SPORTS CLASSIFICATION

by Marc Maurer

Carl Nimis, a runner from Minneapolis, Minnesota, reports that in the Boston Marathon held in April of this year, special qualifying times for blind runners were established.

For the sighted, the qualifying time is two hours, fifty minutes. The qualifying time for blind runners is three hours, thirty minutes. The Marathon, a 26.2 mile race, is a test of physical fitness, stamina, and endurance. Carl Nimis, who is blind, has qualified more than once using the regular times.

Athletes in the Boston Marathon are expected to check a blank on the entry form if they are blind. Once this is done, those athletes are automatically categorized as blind and expected to perform according to the special rules established for blind runners.

Blind runners begin the race ten minutes before everyone else. Marathon officials say this is necessary so that blind runners will have a clear roadway. They also say that the blind runners must be segregated from other runners because they might be a safety hazard for other faster runners.

Carl Nimis has entered a number of

races without checking the blank for blindness on the entry form. He runs the race according to the standard rules, and he runs along with the sighted. Two race directors have complained that he should not have been a part of the major race and should have run in the segregated race for blind athletes. However, Carl refuses to do this. He insists that the standard established for all other runners must apply to him. He insists that he can compete on terms of equality with sighted runners.

Because of the special rules for the blind, race officials and the members of the press automatically assume that Carl's time in the Marathon is close to three hours and thirty minutes. Because some blind people have asked for extra time and special treatment, all blind runners are assumed to be less capable and less competent than their sighted counterparts. Carl Nimis is doing what he can to change this image and demonstrate the competence of blind people to perform as athletes without special rules.

BLIND ORGANIZATION'S CHIEF CRITICIZES STATE PROGRAMS

by Paul Nyden
Investigative Reporter

(The following article appeared in the August 23, 1985, Charleston (West Virginia) Gazette. It points up the problems we often have with governmental and private agencies. It also points up the reason for our sometimes being labeled "militant." We can and do serve as a watchdog on programs established to give the blind service, and we do not hesitate to speak out to expose sloppy or illegal conduct. No one likes to be placed in the spotlight of public exposure—especially, if everybody else except one group is quiet and not rocking the boat. Dick Porter, the President of the National Federation of the Blind of West Virginia, speaks his mind. Here is the article as it appeared in the Charleston Gazette.)

Some state programs designed to assist blind West Virginians are being mismanaged, charges Richard Porter, president of the West Virginia chapter of the National Federation of the Blind. Porter spoke before the organization's 32nd annual state convention held in Huntington last weekend.

Porter asked for the "transfer or resignation" of Richard Collett, chief of services for the West Virginia Society for the Blind's vending programs.

Porter also wants Earl W. Wolfe, director of the Division of Vocational

Rehabilitation, to demand Collett's removal.

Blind workers operate all vending machines in interstate highway rest stops. Porter is upset because "blind people are paid only \$4.50 an hour, while Department of Highways workers at those same rest stops earn between \$8.50 and \$9.00 an hour. And, in order for blind people to have their machines, they have to do janitorial work as well."

The vending program would generate more money if the Division of Vocational Rehabilitation negotiated a better contract, says Porter. "Saccor Machines now leases machines for \$115 a month. But the Lance Corporation has offered to furnish vending machines for \$20 a month, including maintenance."

Vending machines are presently located in 16 rest stops on I-64, I-70, I-77, I-79, and I-81, according to Bill F. Gardner, an assistant DVR director.

The Society for the Blind also has a contract with DVR, says Gardner, to provide paperwork and bookkeeping services for blind vendors in the state Capitol and other public buildings.

Porter also criticized Collett for doing nothing about a check Porter says was issued "either illegally or unethically." Collett is on vacation and unavailable for comment.

The check controversy involves John R.

Adkins, former director of the Appalachian Center for Independent Living. ACIL is a federally funded organization with offices at 1427 Lee St. in Charleston—a house owned by the Society for the Blind. Adkins, a quadriplegic, resigned his position in the wake of this controversy.

Porter believes "local and federal officials took no action on this matter because the individual involved was severely disabled and the money involved was not mega-bucks."

The Multi-County Community Action Against Poverty Inc. issued a \$750 check on Sept. 30, 1983, to the West Virginia Society for the Blind, says Porter, to construct a cement ramp at 1427 Lee St.

Multi-CAAP's check, however, was not deposited in the Society's account, but in the ACIL Foundation's account.

Adkins then issued the West Virginia Society for the Blind a \$350 check (numbered 139) to pay for ramp construction, \$150 of which went to D and D Construction—a company Porter says is nonexistent. Adkins issued a second \$400 check (numbered 140) to himself, according to Porter.

Adkins obscured this \$400 transaction, says Porter, by creating a photostatic

copy of a \$400 check (also numbered 140) to the Claxton Bakery in Georgia, which makes fruitcakes sold by many charitable organizations. This check was never cashed, nor even sent to the bakery, says Porter, who was a member of ACIL's board at the time.

"That ramp was built," said Gardner Thursday, "and they paid us what we asked to build the ramp. They bought the materials. If Adkins drew more than he was supposed to, that's not our problem. This matter has already been investigated."

ACIL officials referred all questions to Multi-CAAP, which oversees the operation. Asked about Porter's comments, Multi-CAAP Executive Director Helen Beckulhimer said: "I don't know what he's talking about. I only deal with federal funds. And nothing is wrong there."

In his Huntington speech, Porter also charged, "There is a lack of administrative opportunities in state government for qualified blind persons. I feel programs created for the blind should involve qualified blind persons in their operation. West Virginia is behind many other states in this area."

LATEST ATTACK UPON THE RANDOLPH-SHEPPARD PROGRAM: THE THREATENING TREND CONTINUES

by James Gashel

In 1974 Congress amended the Randolph-Sheppard Act to strengthen the right of blind persons to operate vending facilities on all federal property. This was

done first by requiring a statutory priority, intended to place blind vendors ahead of all others who might compete for vending businesses on federal

property. Secondly, Congress expanded the scope of the blind vendor priority by including a definition of "vending facility" in the law as opposed to the former provision of the Randolph-Sheppard Act which required a "preference" for blind persons to operate "vending stands."

The new term "vending facility" was intended to expand the type of businesses that would be available under the priority for blind vendors. Thus, businesses under the definition of a vending facility would include automatic vending machine operations, cafeterias, snack-bars, and cart services. Articles for sale in the vending facilities established under the Randolph-Sheppard priority are also described in the law as follows: "newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the state licensing agency, and including the vending or exchange of chances for any lottery authorized by state law and conducted by an agency of the state." It is then clear that the use of the term "priority" (as opposed to "preference"), the new definition of the term "vending facility" (as opposed to "vending stand"), and the extensive list of articles to be sold in vending facilities operated by blind vendors are all intended to expand both the number and type of opportunities for blind persons to operate businesses under the Randolph-Sheppard Act on federal property.

Recent events already reported on extensively in the Braille Monitor show

a growing trend among federal agencies to attempt to circumvent the statutory priority for blind persons to operate vending facilities. The most notable attacks upon the program took place in 1984 when the General Services Administration (GSA) attempted to solicit bids from fast food chains to establish one restaurant at the GSA headquarters building in Washington, D.C. and others at GSA locations in as many as ten other states, possibly more. We stopped the bid solicitation through a public protest and Congressional pressure.

But later in 1984 the Department of Defense (DOD) quietly negotiated two contracts—one with the Burger King Corporation and another with McDonald's—permitting these giants of the fast food industry to serve up hamburgers and french fries, etc. to military and other personnel on Army and Navy bases both in the United States and abroad. So far, those contracts are enforced having been upheld earlier this year by a federal judge in the District of Columbia. That was the outcome of a suit brought by the American Council of the Blind and others. An appeal of that decision is now pending before the United States Court of Appeals for the District of Columbia, and the Federation is seeking to intervene. Although we were asked to join in this litigation originally, we did not do so because we thought the case was the wrong action at the wrong time in the wrong place. Also, we hoped that any decision even if it was adverse would not be damaging to the entire program. But that hope was not realized. The decision obtained by the ACB and its backers is about as threatening to the future for blind vendors as anyone could imagine. So our

options to intervene or not to intervene are not now what they were when the case began. Hopefully by becoming involved at this point, we can reverse a devastating precedent. Only the course of the future litigation before the United States Court of Appeals in the District of Columbia will determine that.

Now on the heels of the GSA and Defense Department incidents comes the next assault upon the Randolph-Sheppard Program, this time from the Federal Bureau of Prisons. The Randolph-Sheppard Act at 20 U.S.C. 107(b)(2) states that "any limitation on the placement or operation of a vending facility based on a finding that such placement or operation would adversely affect the interests of the United States shall be fully justified in writing to the Secretary (of Education), who shall determine whether such limitation is justified." That provision was added to the Randolph-Sheppard Act in 1974. It contemplates that federal agencies (such as GSA or DOD) may want to limit the application of the Randolph-Sheppard Act on property under their control. So the only way they may do that is by first getting approval from the Secretary of Education for any limitation.

Until recently, there has never been a request for a limitation to be approved by the Secretary of Education. Now the first request for a limitation is pending. It was made by the Federal Bureau of Prisons, one of the operating units of the United States Department of Justice (DOJ). The Bureau of Prisons operates federal correctional facilities located throughout the United States. So far as anyone knows, there is only

one blind vendor now doing business inside of a federal prison. That is in Talladega, Alabama. That site was apparently awarded under the Randolph-Sheppard priority. But as a matter of national policy, the Bureau of Prisons has always considered itself to be exempt from the Randolph-Sheppard Act. The exemption claimed by the Bureau of Prisons applies to the priority for blind vendors to operate vending services within the prisons as well as to the sharing of vending machine income required by the law (20 U.S.C. 107d-3).

In 1984 State Services for the Blind of Minnesota (the state licensing agency of that state) sought to negotiate with the Bureau of Prisons over the possibility of establishing vending machine operations at a medical facility for the Bureau then being established in Rochester, Minnesota. That site had formerly been under the control of the Minnesota Prison System but would now be operated by the federal government. Blind vendors in Minnesota already operate vending machines in the state prison system so it was a natural extension of the state program to request the same opportunity when the Federal Bureau of Prisons took over. Besides, there was the Randolph-Sheppard Act which apparently would apply to give a priority and require payment of vending machine income to the Minnesota agency. But what do you suppose? The answer came back that the Bureau of Prisons would not cooperate. According to a letter from the Bureau sent to state services for the blind in Minnesota in July, 1984, the federal prison system is exempt from the Randolph-Sheppard Act. So there would be no opportunity for blind vendors to operate

vending machines at the new prison site in Rochester or for State Services for the Blind to receive vending machine income as required by the Randolph-Sheppard Act. That was in July, 1984, but the actual request for the Secretary of Education to grant a formal, official, and national limitation on the placement or operation of vending facilities on property controlled by the Bureau of Prisons was not made until several months later. More to the point, the whole affair was not made public until April, 1985, after several meetings had already occurred between officials of the Bureau of Prisons and staff in the Department of Education, Rehabilitation Services Administration, Division for the Blind and Visually Impaired. It was at that time (on April 9, 1985) when interested organizations or individuals were invited to comment on whether or not the Bureau of Prisons should receive a limitation as requested.

If granted, the limitation would mean that any blind vendor operating at a site under the control of the Federal Bureau of Prisons would be required to pay to the Bureau a commission on the gross sales from vending machines whether located in areas serving inmates only or in areas serving employees, inmates, and visitors. Moreover, at federal prison sites where no blind vendor has been assigned (in other words the vending services conducted by a commercial contractor), state licensing agencies (such as State Services for the Blind in Minnesota) would not receive any share of the commission paid by the commercial vendor as now required by the vending machine income sharing provisions of the law (20 U.S.C. 107d-3).

This request by the Bureau of Prisons amounts to a claim that property under the control of the Bureau is virtually exempt from the Randolph-Sheppard Act. And how do you suppose such a position would be justified? After all, the law does state that "any limitation on the placement or operation of a vending facility based on a finding that such placement or operation would adversely affect the interests of the United States shall be fully justified" According to the Bureau of Prisons, the interests of the United States would be adversely affected if the Bureau did not receive all of the vending commissions presently paid to it by commercial vendors. So, if blind vendors were to be installed in the federal prisons, they too would have to pay the commissions to the Bureau in order for the "interests of the United States" to be protected. What are these interests of the United States? It all comes down to the Bureau's notion of what is good for the welfare of the inmates and the employees of the federal prisons. With respect to the inmates, the Bureau now administers a "commissary trust fund" used to obtain certain supplies and services provided in the prisons on behalf of the inmates. Personnel and other related costs for the prison commissary program are also paid from the trust fund. So the Bureau's request for a limitation under the Randolph-Sheppard Act claims in general that the commissary trust fund could not be sustained on a self-supporting basis if the vending machine commissions at every federal prison site were not received as presently is the case. According to the Bureau, this would be to the detriment of the welfare of the inmates.

But what about the employees? The Bureau's request also takes their welfare into account by insisting that vending machine commissions now paid by commercial vendors to employee recreation funds must continue and must not be shared with blind vendors or state licensing agencies as required by the Randolph-Sheppard Act. To apply the Act against the interests of its employees as the Bureau of Prisons defines them, would harm employee welfare and ultimately create substantial morale and management problems for the Bureau of Prisons. That is the same argument made by postal worker unions and the military who sought unsuccessfully in Congress to have exclusive claim on the vending machine income at federal sites. But the Bureau of Prisons adds a new wrinkle. The recreation funds maintained by the employees also pay 15% of the vending commissions they receive to the prison commissary trust fund (already mentioned) for the benefit of the inmates. The net effect of these arguments is a claim by the Bureau of Prisons that the "interests of the United States" would be adversely affected if current programs that benefit prison inmates and employees must be modified to comply with the Randolph-Sheppard Act.

And what about the interests of blind vendors; who will protect their interests? On May 24, 1985, the National Federation of the Blind formally objected to the request of the Bureau of Prisons for a limitation under the Randolph-Sheppard Act. We especially objected to the procedures being used by the Department of Education to review the Bureau's request. Those procedures are new to the blind

vendor. There has never been a proceeding to consider a limitation, even though the authority for a federal agency to make such a request of the Secretary of Education has existed in the law for eleven years. Whoever said that the Department of Education or any of its subunits including the Division for the Blind and Visually Impaired are capable or particularly inclined to look out for the interests of blind vendors? They are part of the federal bureaucracy and have no particular allegiance to blind vendors. But what do you suppose? The procedures under which the Bureau of Prisons' request is now being considered limit participation as a party in the proceeding only to the federal agency making a request for a limitation on the one hand and to the Division for the Blind and Visually Impaired on the other. The Division for the Blind and Visually Impaired is simply part of the bureaucracy of the federal Department of Education. It is not a party of interest in the sense that a state licensing agency has an interest in the outcome or for that matter that any given blind vendor may be substantially and personally affected by the result of any secretarial decision to limit the Randolph-Sheppard Act. But neither the state licensing agencies, blind vendors, nor organizations representing the blind may participate as a party in this or any subsequent proceeding. That is what the procedures for this and any other Secretarial review of a limitation now say. So we have asked for the proceeding to be stopped. If that request is honored, well and good. A tragedy in a string of never ending challenges for the Randolph-Sheppard Program will then be at an end. If the request is not

honored, court action or some other form of resistance will need to be used. As this article is being prepared, our request for a halt to the proceeding is still pending but it won't be long before we know the answer. Then the challenge to our movement will come again as we rise to the forefront in the defense of the Randolph-Sheppard program.

Again we stand out front alone. Although others have objected to the request of the Bureau of Prisons and filed comments to that affect, no one else has joined us yet in seeking to stop the entire proceeding. Perhaps the idea didn't occur to them. Who knows? Meanwhile we will carry on the battle on behalf of blind vendors as we have in the past. Why any vendor would not want to be part of this movement and take a hand in their own self-preservation defies any rational understanding. If

the vendors of this country truly care about what happens to them and understand what force there is in joining with the rest of us to protect their interests, they will surely flock to join us by the thousands. Otherwise, they and all of us will suffer the consequences of inaction and incompetence. For our part, the NFB is not prepared to flounder aimlessly in the courts or sit idly by while the Randolph-Sheppard Program is torn asunder. The challenge is now before us. Anyone who is capable of reading the signs and understanding where they lead can surely see that there is now a clear and present danger. The case of the federal Bureau of Prisons is only the latest in a series of summarily threatening events. That's how it is, as the ominous trend to the future of the blind vending program continues.

THIS IS MY STORY

by Johnny Ott

(Reprinted from the August, 1985, Michigan Focus, the official publication of the National Federation of the Blind of Michigan.)

Why do you join the National Federation of the Blind? Why do you attend meetings, conventions, and other functions. Sound silly? Well, stop and think for a moment. As you do, stop and think of a line from one of Joanie

Mitchell's famous rock songs that was popular back in the late sixties. The song was "Pink Cadillac," and the line went: "Don't it always seem to go, that you don't know what you've got 'til it's gone." Isn't that the truth?

When I first joined the NFB, I really wasn't sure just what it was I was looking for. At the time I was still living with my family in Detroit. The year was 1969, and the state affiliate was start-

ing to come into being as we know it today. I had already graduated from high school, spent some time at Arkansas Enterprises for the Blind in Little Rock, and was now doing time at the Detroit League for the Handicapped.

Although I don't remember the incident, my mom says that when I first heard about the NFB I thought that it was some sort of "hell-bent, left-winged, communist-inspired, wide-eyed, radical, extremist" organization. But, "I had nothing else to do," so I joined.

Well, as the years went by into the early seventies, I started attending meetings, conventions, et cetera. They were nice, and yes, I probably kind of enjoyed them. But was I really with it at that time? Well, I think one indication of what I really felt was my reaction to Dr. Jernigan's "New Insights on Old Outlooks" speech. You will recall that in that speech he mentions Western Michigan University in Kalamazoo and its pamphlet on how to "teach" blind folks how to eat and drink. At that time I said something like: "I think that's terrible, stupid, dumb, and wrong. But that's way off in Kalamazoo. I live here in Detroit. What does it really matter to me anyhow?"

Well, on September 6, 1977, I came up to Kalamazoo and at least indirectly to Western Michigan University—at least, philosophically. Boy, did my world change then. I would spend sixteen months at the Michigan Rehabilitation Center for the Blind, and while there my family would be moving out of the old neighborhood and out into the suburbs. That would mean that I would be stranded for at least a while.

Suddenly, whether I liked it or not, this "remote part of the earth with its

foreign university and its strange pamphlet" was on my doorstep. It was now that Joanie Mitchell's classic line would come to haunt me. For now, I was a "stranger in a strange land," where there was no National Federation of the Blind. Oh yes, there was ACB and its Kalamazoo "Federation" of the Blind. And yes, there were the other coffee-and-cake teeny bopper groups and the agencies like the "Center for Independent Living" and the various sheltered workshops, et cetera. But there was no NFB. Don't get me wrong. I had met an absolutely fantastic and wonderful girl at my church. I also had other friends and was even "living on my own." But who do you turn to when potential employers won't give you the time of day for an interview simply because of your blindness? Who do you turn to when everyone thinks it perfectly normal for blind and handicapped people not to have jobs and to live in subsidized housing? And the list could go on and on.

Well, if you believe the general public, what about "that school," as they call it—meaning the Rehab Center. Can you believe it? Every time you go into an interview for a job, or anything for that matter, everyone thinks that the agencies are supposed to provide "cradle-to-grave" coverage for us, including jobs.

The book of "Revelation" in the New Testament talks about "the end time." Among other things, it talks about things like "the mark of the beast, the image of the beast, the false prophet," et cetera. It says that in that day nobody will be able to buy or sell or do practically anything, for that matter, without the "mark of the beast."

I suppose that today in Kalamazoo the description might go something like this: "And it was given unto every blind person living in Kalamazoo and probably southwestern Michigan, that that person could not interview for a job, find a place to live, or do anything else without either the mark or the image of the Agency. And it was given unto the Agency to make referrals and to decide who would become its pet."

The masses of Kalamazoo "worshiped" the agency from afar. The blind were considered as virtual outcasts by the masses. They were told that the Agency had all power to solve all problems. Do you think that strange or weird? Well, don't. A perfect example was the night of June 14, 1982. The Kalamazoo City Commission was debating what to do with its transportation system with the pending state and federal cutbacks. It was a total disaster. For one thing, most of the "talking" was done by the various agencies, including the Rehab Center and Commission for the Blind office here in town. In every case, after the comments were made, the commissioners would ask the agency people "if they would help their clients adapt to whatever changes that would take place." And, of course, the answer was always yes.

Now, lest you think that there were just agencies that night, well you had other great entities such as the Kalamazoo Council for the Handicapped, the Kalamazoo "Federation of the Blind" (the local ACB affiliate), the Handicapped Student Services at Western Michigan University, et cetera. But there was no organization or teamwork. The night was lost. As I said, the rehab agency structure holds full and complete sway here in Kalamazoo, and the general pub-

lic thinks it's normal. The rehab center never discusses the organized blind movement. But after you have been run through the system, you get invited to the ACB meetings where you get free dinners.

The blind of Kalamazoo are taught to be completely submissive. "Do as you're told, we know what's best for you," is the order of the day. Even though the general public thinks we can't get and hold jobs, they think it miraculous that we can get to the interview "all by ourselves." They probably think that the agency had something to do with that, too. And when you compare the rehab center's "Job Readiness" program and the NFB's "Job Opportunities for the Blind" program, there is simply no comparison at all.

Now lest after reading all this you think that Kalamazoo was a complete waste of time, you're wrong. It has taught me a great deal. And, believe it or not, Kalamazoo has taught me to love and more deeply appreciate the NFB and its philosophy. If anyone should ask me "Why the National Federation of the Blind," I have just one word for an answer: KALAMAZOO

And what does the agency structure use to "drug" the blind of this town? They don't need to use chemicals or anything that toxic. They have a better solution. It's called RECREATION. Did you know, for example, that in the blind rehab program at Western they even teach "Recreational Therapy" as a class? It's true. The blind aren't supposed to work or lead normal lives. But they are strongly encouraged to play beeper ball, goal ball, go swimming and bowling, et cetera. Nothing wrong with sports. However, when the agency structure pro-

motes (and the general public believes in) recreation for the blind and virtually nothing else, you have a very big problem.

But this lonely Federationist missionary thanks the Lord for the NFB. Without the NFB I don't know where I would be. I don't know how long I could hold out. Thank you, Kalamazoo. Thank you for making me a more dedicated Federationist. Thank you for giving me friends, not only in town but especially

friends within the NFB who really care. One of these days the National Federation of the Blind will come into Kalamazoo. Several people will probably move here for various reasons; and when they do, this town will never be the same. It's been eight years of struggle and pain. But, thanks to the National Federation and its guiding spirit, I can say with Dr. Jernigan, "I know who I am, and I'll never go back."

MY EXPERIENCE AS A BROKER

Remarks Delivered by
Jon Deden, Investment Banker
Blinder Robinson Company
Englewood, Colorado

At the Convention of the
National Federation of the Blind
Louisville, Kentucky, July 2, 1985

Blinder Robinson: Kind of an interesting name. I meet a lot of people, and they say, "Where do you work?"

I say, "Blinder Robinson."

They say, "Oh yeah? What are you?"

I say, "I'm a stockbroker."

And they say, "Huh? Are all the stockbrokers out there blind?"

And I say, "No. Actually, I'm the first one." And that's why I'm up here today. I believe the NFB has opened up a golden job opportunity for me and, hopefully, for a lot of you.

I'd first like to start out by telling about how I got the job. I think it's a

very interesting story. Brian Johnson, who used to live in Colorado and who is now a member of the Illinois delegation, was doing some fund raising for the National Federation of the Blind of Colorado. He happened to be doing random dialing one night, where you dial 798-1111, 1112, and so forth. He happened to stumble upon my sales manager, a man by the name of Mr. George Littman, who happens to have an unlisted phone number. George got to thinking: If this blind guy is so good with telephone soliciting, why couldn't one of them be a stockbroker. And so he took

the idea to all the upper hierarchy of the firm.

They said it will never work. "How can a blind person even dial the telephone?"

George said, "This is my project. Let me do it." What he did is that he set up an interview with Diane McGeorge and me. We went out there for the interview, and I could tell that they had never dealt with anyone who was blind before. They were very apprehensive, and they wanted to help us do everything. I could just tell that they hadn't dealt with anybody who was blind. Myer Blinder interviewed me personally, and I decided just to lay it on the line to him and tell him what I had gone through in looking for a job.

I had graduated eight months before with a B.S. degree in marketing. I had been on several interviews to no avail. I couldn't find anything. I simply told Myer that. I told him that I thought if someone was willing to give me a chance, I could do an excellent job for them—and that I would be willing to give them one hundred percent at all times on the job.

Myer said, "We're willing to give you a chance, but there is one stumbling block that you have to overcome. You have to pass what's called a Series 7 test." That covers all securities—everything from corporate bonds to government bonds to stocks. You name it. It's on there. It's a very tough test. As much as I hate to admit it, I did fail it the first time. I got a sixty-seven percent, and you had to get a seventy to pass. I took it the second time, and I passed.

Here I am, and I'm not going to say that you have to be a genius to pass it

because there are people out there with GED's who have passed the test. If you are willing to cram, you can pass the test.

The job itself is an excellent job. I love it. It's making money talking on the telephone. I am going to tell you that there is a lot of rejection. You're out there hammering on the phone. They don't give you any leads. You have to find your own. I use several lists from the library. I use a list called "Contacts Influential," and there are several lists you can get.

A lot of times you get the phone slammed in your ear. People cuss at you, and the whole works. But all you do is hang up and go on to the next call, because there are people out there who are going to buy from you. But you have to be very, very persistent, and you have got to hammer the phone, you have got to make probably 250 calls a day. I'm not going to tell you that it's easy. It's tough, especially for the first six months. It's very tough because you are building up your clientele, but if you get somebody to buy from you once, chances are they will buy from you again. Building up your book is very crucial in the first six months to a year. Once you build up a book, you don't have to beat the phone quite as hard because you have established clientele.

As far as on the job, I don't use any special equipment. I use a Braille writer and a talking calculator. It's minimum paperwork, and I hate paperwork, so that's great. I have a secretary, who helps with what paperwork there is. It's probably only about a half hour of paperwork a week. I have a volunteer reader, who comes in from the Red Cross,

and she reads me numbers for "cold calls." I do have one slight problem. I can't read the "quote box." But I have three people sitting around me who are always willing to help. I can always grab one of them and get a quote read.

I really didn't think I could make it being a telephone solicitor. I tried it for the NFB for about an hour, and I quit. But we have a very good training program. I always thought that if I believed in the product I was selling, I could be a good salesman.

I believe very highly in our products. We have excellent products. We are the number one dealer in low-priced stocks

in the United States. We have twenty-eight offices throughout the United States. Besides dealing in low-priced stocks (that is any stock priced under a dollar—primarily "penny stocks") we are also a very diversified investment firm. You name it. We can get it—New York Stock Exchange, government bonds. We can get it. I do believe very highly in our firm and its products.

I urge all of you out there (especially those of you doing telephone soliciting right now for \$3.35 an hour) to take advantage of this opportunity. I want to thank you for having me here today.

If you or a friend would like to remember the National Federation of the Blind in your will, you can do so by employing the following language:

"I give, devise, and bequeath unto National Federation of the Blind, 1800

Johnson Street, Baltimore, Maryland 21230, a District of Columbia nonprofit Corporation, the sum of \$_____ (or "_____ percent of my net estate" or "The following stocks and bonds: _____") to be used for its worthy purposes on behalf of blind persons."

SHENANIGANS CONTINUE IN IDAHO

by Marc Maurer

Federationists are aware of the highly political and unjust activities which culminated in the firing of Ramona Walhof as Director of the Idaho Commission for the Blind. These events were reported extensively in the March and May, 1984, issues of the Braille Monitor. It was apparent then that there were violations of the open meeting law, concerted and deliberate attempts to prevent blind people from participating in decisions affecting their own lives, and a blatant effort to penalize blind people for membership in the National Federation of the Blind.

Mrs. Walhof's firing was motivated by efforts to seek revenge. It was, and it still remains, highly political. Her dismissal is a matter being considered by the courts. The outcome is uncertain, but one thing has been demonstrated beyond any doubt. The organized blind in Idaho and throughout the nation will not simply fold up and quit. The political pressure and the urge for revenge in Idaho against the blind continue, but the spirit of resistance and the unquenchable determination of the blind to be free are alive and well.

When Mrs. Walhof was fired on February 3, 1984, three other people who were members of the National Federation of the Blind held administrative positions at the Idaho Commission for the Blind. They were: John Cheadle, Deputy Director; Frank Smith, Chief of Field Operations; and Ray Martin, Chief of

Orientation. The day that Mrs. Walhof was fired and Howard Barton was hired to replace her, Howard Barton fired John Cheadle without cause. He said that Mr. Cheadle had been a supporter of Mrs. Walhof. In other words, his charge against Mr. Cheadle was that Mr. Cheadle had been a diligent and faithful employee.

Within a few days a temporary restraining order had been issued, which removed Howard Barton from the directorship of the Commission for the Blind. He was not reinstated as Director until July 6, 1984, five months later.

Before the end of July, the Commission for the Blind board held one of the most bizarre and astonishing meetings ever to occur in the history of that agency. In a closed-door session each member of the Commission staff was summoned before the Commission board members for an interrogation. Those who held membership in the National Federation of the Blind were told that they must pledge their loyalty to the Commission for the Blind board. They were told that they must subordinate any interests they had in outside organizations. Frank Smith and Ray Martin were told that they must cease any activities with any organization which might be contrary to the views and objectives of the Commission for the Blind. When Mr. Smith and Mr. Martin were asked to pledge that they would not engage in any activities contrary to the views of the Commission for

the Blind board, they told the board members that the actions they had taken as staff members and administrators of the Commission for the Blind had always been calculated to serve the best interests of the blind of the state of Idaho. Furthermore, Mr. Smith and Mr. Martin told the board that they had always used their best efforts to further the goals and objectives of the Commission for the Blind and to carry out the directives of their superiors in furthering these goals and objectives.

In late August of 1984 a rumor surfaced that the board of the Commission and the Director had secretly made a plan to eliminate the positions of Mr. Smith and Mr. Martin in the administrative structure of the Commission for the Blind. The Commission for the Blind board met on September 5 and discussed administrative reorganization for the first time. The discussion took a very few minutes. Howard Barton proposed that the position of chief of the orientation department and the position of chief of the field operations department be eliminated. These two positions would be combined into the position of chief of rehabilitation services. The stated reasons for the change were: enhanced administrative efficiency and cost savings. No one questioned the capacity of Mr. Smith or Mr. Martin to do the work. They were both first-class employees with excellent records. The Commission for the Blind board acknowledged this fact.

Mr. Smith and Mr. Martin sued the Commission for the Blind for retaliating against them because of their membership in the National Federation of the Blind. In this lawsuit the following facts have so far been discovered: In April of 1984

Howard Barton told staff members of the legislative auditor's office that he thought the administrative structure of the Commission for the Blind should include a chief of field operations and a chief of orientation. In late July of 1984 (less than four months later and within one week of the time that the Commission for the Blind had demanded in a closed-door interrogation session that Mr. Smith and Mr. Martin pledge their loyalty to the Commission and give up outside organizational interests) Howard Barton went with a board member of the Commission, Jack Ugaki, to the Idaho Personnel Commission to ask that the Personnel Commission begin the paperwork to eliminate the positions held by Mr. Smith and Mr. Martin. Howard Barton had administered the Commission for the Blind as its Director from 1975 to 1982. During all of these years the structure of the Commission had included a chief of orientation and a chief of field operations. The plan established to replace Mr. Smith and Mr. Martin was considered by the board of the Commission for the Blind and adopted on September 5, 1984. The job announcement for people to apply for the position created by this plan was issued on September 4, 1984. In April of 1984 one of the Commission board members stated to the legislative auditors in a meeting which he thought was "confidential" that Mr. Smith and Mr. Martin should be fired because "neither of them are qualified for their job, and they are such rabid supporters of the NFB and Walhof that I don't know whether they could be effective and cooperate in an effort to try and rebuild the Commission back to where it should be." He went on to say that Mr. Smith and Mr. Martin would have to

be "got rid of." Yet, the reorganization of the Commission for the Blind, according to the administration of the Commission, was intended to promote efficiency and save money. No effort was being made, they said, to "get rid of" Mr. Smith and Mr. Martin.

The new position was supposedly created to save money. However, examination of the facts shows that after the reorganization, exactly the same amount of money would be spent both on salaries and other program expenses at the Commission for the Blind that was spent before the reorganization with one notable exception. The new position created at the Commission for the Blind to replace Mr. Smith's job and Mr. Martin's job would have a salary cost greater than any of the positions ever created at the Commission, except the Directors. When this position was filled, the Commission for the Blind would be paying out more money than it had before the reorganization—all in the name of efficiency and cost saving.

There are a number of other circumstances that demonstrate the insidious nature of this surreptitious scheme. The job of rehabilitation chief was announced on September 4, 1984. The applications for the position were sent to the Idaho Personnel Commission. The Personnel Commission ranked these applications. Five people were to be considered for the job. These five people were Harry Herbert, Ray Martin, Ed Easterling, Frank Smith, and John Cheadle. Of these five people, three (Ray Martin, Frank Smith, and John Cheadle) are NFB members. A fourth applicant, Harry Herbert, could not be hired by the Commission. The Commission administration was aware that Mr.

Herbert had previously been employed at the Commission for the Blind and that he had been discharged for cause. The Commission administration was also aware that there was sworn testimony which would be made public about some very compromising activities of Mr. Herbert which involved clients of the Commission for the Blind. Therefore, of the five top applicants for employment at the Commission, one (Harry Herbert) could not be hired. Three (John Cheadle, Frank Smith, and Ray Martin) were members of the National Federation of the Blind. One applicant remained, Ed Easterling.

In order to be employed as the chief of rehabilitation at the Idaho Commission for the Blind, applicants must take and pass an employment examination. Howard Barton drafted the questions to be used by the examining board. One of the applicants spoke with Howard Barton about the job as rehabilitation services chief before taking the examination. As might be expected, that person's name is Ed Easterling. Howard Barton (under oath) could not remember the conversation with Ed Easterling very well, but he did remember giving him a large number of books and other materials about blindness. Of course, one of the requirements for the job of rehabilitation services chief is a knowledge of blindness. Ed Easterling had no such knowledge and no experience with blind clients.

After having this talk with Howard Barton, Ed Easterling felt that it would be helpful to go to the library at Boise State University to study management. Of course, management was one of the subjects on which Ed Easterling would be tested in his application for the job at

the Commission for the Blind. Ed Easterling had virtually no education and no experience in management.

It will not come as a surprise that Ed Easterling was hired for the job. This happened even though all three of the applicants who hold membership in the NFB had more knowledge of management and of blindness than Ed Easterling.

Obviously, this is only part of the story. Attempting to punish the blind for demanding independence only strengthens the resolve to defeat the prejudice, the ignorance, and the hate. Mr. Smith and Mr. Martin have sued Howard Barton and the members of the Commission board. But the struggle for independence does not depend on the slow and painful machinery of the justice system. It depends on the will of the blind to face the truth and demand equal treatment. It depends on the spirit within us which cries out that the blind will

not be second-class. The sham being conducted at the Commission for the Blind is not made any prettier or any more palatable by the hypocrisy of those who created it and have the audacity to call it service for the blind. No matter what they call it, it is still a sham, and the dissimulation is no less hypocritical and the hurt to the lives of blind people is no less painful.

The blind of Idaho have gathered strength from the need to prevent the injustice being practiced at the Commission for the Blind. In the long term vindictiveness cannot triumph. We who are blind have a right to speak our minds as we please. We have a right to join with each other for common support and for the strength of collective action. There is no governmental or private agency on earth that can keep us from doing so.

PROGRESS IN ALAKSA

Remarks Delivered by
James Omvig, Director
Louise Rude Center for Blind and Deaf Adults
Anchorage, Alaska
At the Convention of the
National Federation of the Blind
Louisville, Kentucky, July 4, 1985

What we're really going to do is talk about a partnership of progress. As I think about the title, I wish we had call it a "Partnership of Progress for Blind People in Alaska." What we're

really going to discuss is the partnership which exists between the agency which I now head and the National Federation of the Blind of Alaska, for I simply wouldn't be there had it not been

for the National Federation of the Blind of Alaska and the good and hard work which had been done. I believe, incidentally, that every agency serving blind people ought to be involved in a partnership with the blind.

A wise and ancient proverb says that if you give a person a fish, you can feed him or her for a day. If you teach that same individual how to fish, you have fed him or her for a lifetime. And that's really what we're talking about, and what we hope to do. Along that line, I believe that every agency serving blind people has a philosophy. Now, many of them do not happen to state it—certainly not publicly. You've got to arrive at what their philosophy is by implication in terms of what they do.

Our philosophy—at least, since I came to the Louise Rude Center—is this: (Some of you may have heard it before.) Blind people are simply ordinary, normal human beings, and with proper training and real opportunity, the average blind person can cut it on terms of equality with the average sighted person. That's what we're going to talk about at the Louise Rude Center.

By way of history, until seven and a half years ago blind adults from the state of Alaska who were in need of rehabilitation training were sent, as we native Alaskans say, "outside" for rehabilitation services. And that meant being sent down to the Seattle Light-house or the old Washington State Services for the Blind—sometimes to Little Rock, Arkansas—a variety of fine training centers for blind adults around this nation. (Laughter)

It caused problems for blind people in two senses: First of all, that meant that blind Alaskan adults had to be gone

from home for long periods of time. Secondly, the training received was not necessarily all that hot. Louise Rude happened to be an individual who got sent "outside" for training. And, as Louise tells me, the two things were problems for her. She was gone too long, and the training wasn't all that hot.

When she came back to Alaska she became very active in the National Federation of the Blind affiliate in that state and became its President. Sandy Sanderson also got sent "outside" for training and has horror stories to tell about what he saw happening to blind people in the training center to which he was sent. So Sandy and Louise started a campaign. I guess it was around 1975. They began to say, "Let us establish a rehabilitation training center; an orientation center type training program in the state of Alaska."

The Federation got behind that, got community support, got Lions Club support, got legislative support—got support, incidentally, from the Division of Vocational Rehabilitation; and ultimately it was decided that a training center should be established. It was decided to establish a private training center rather than to set up simply a state operated center such as most states do. It took a long time to get it done. Finally, in December of 1977, the program was established; and just to be very clear about the structure, the basic services for blind adults in Alaska still come through the state Division of Vocational Rehabilitation. There is no separate agency for blind people in the state. The Louise Rude Center plays the role of the orientation

and adjustment center for the state. We're not involved in vocational training or in job placement services. We're the prevocational training center. And it was decided by somebody (also at that time) that if we're going to train blind adults in Alaska, we should also train deaf adults in Alaska. So an agency came into being called the Louise Rude Sensory Impairment Center. The name, we have all decided, wasn't all that hot. When I got there, the letterhead had huge letters "SIC," and a lot of blind people and deaf people said: "I'm not sick. Are you?" People didn't like it much.

So you note that none of the things we have done already is to change the name. It is now the Louise Rude Center for Blind and Deaf Adults. It is a private agency. Also, by way of history, at that time it was decided that this new training program should be put under something. There was fear on the part of state officials that the new program might not know precisely what it was doing, so it was put under a nonprofit agency called the Alaska Treatment Center—which is a physical medicine rehabilitation-type facility.

So that was 1977 when the program started. The directorship came vacant last summer, and I was contacted about whether I would have any interest in leaving the Social Security Administration and coming to Anchorage. It had been the furthest thing from my mind, and although I happen to love Alaskans and had enjoyed being a national representative at an Alaskan convention, and although I have always loved training people and being involved in direct orientation of blind adults, I had not planned on going to Alaska—but I got

excited about it and went.

Let me tell you what I found and what progress we have made. The program was underfunded, understaffed, underdeveloped, virtually unknown—and I could go on and on. We had in the program for blind adults a part-time secretary and three part-time orientation teachers. No money to really do training, and not much money for anything else. There were three blind students at the center. We have six rooms counting a kind of a common home economics area; three classrooms; and three staff offices. That is what I found when I came.

Now, let me talk about some things which have happened since, and I think you'll find these to be exciting. We certainly do. Well, one more thing that I should add in terms of what I found. It was a day training program only—no residential training facility. Students simply come in during the day and leave, and we all know that that sometimes is a problem in running a good orientation center.

These things have now happened. As of July 1, we separated out from under the Alaska Treatment Center and are a private separate entity, a nonprofit corporation operating in the state.

Incidentally, many of you here know Mr. Darrel Nather. He is the First Vice President of the National Federation of the Blind of Alaska. He is the President of the board of the corporation. Then, we took off for Juneau. For those of you who do not know about Alaska, it's interesting. You have to fly to the state capital. You cannot go there by car. I suppose you could by dog sled in the winter time. You can't by car.

We took off for Juneau, and just to

make a very long story short, we have now doubled the budget so that as of July 1 we will have twice the operating budget which we would have had had I, as the Director, and the Federation, as the organized blind movement, not gone to Juneau to work directly on the state legislators. What that means is that the program for the blind will now have five full-time orientation teachers rather than three part-time teachers. And we'll have money to buy a lot of equipment which is needed, and a variety of other things. Also, we have now signed a contract to buy a building to have a residential training center for the blind.

I received some real happy news last night. I had been fairly frustrated and wondered if I could even come here because we were in a crisis over a whole series of building permits, zoning permits, safety permits, fire permits, and other permits. I learned last night that we got the last final permit yesterday for construction.

We're remodeling an existing apartment facility, and we should be in that probably no later than October 1—and I would hope sooner than that. The building will be able to house up to sixteen students at any one time, and we'll have space in there for the staff offices and all of the training facility. We're going to be working to try to get involved more in job placement activity and a whole lot of public relations effort. We've started that already.

Sandy and I both have become very much involved in Lions activity and attendance at the state Lions convention. We're trying to get funds from the Lions organizations to help equip the building properly, and we're confident that that

will be done.

I've made public service television spots. I have kind of a moral dilemma. It's good up there to get the spots about the training center on television because the Center was not well known in the state when I came. We also need to get the NFB spots on television. I guess that means that what we've got to do is work and get both on television—and we'll do it. We've been out speaking to a lot of Lions clubs and Rotary clubs and are quite rapidly becoming known in the state.

Two other things that are not directly related to the Center program. Louise Rude never seems to give up. She's the one who worked so hard to get the orientation center established, and she figures that's now off in somebody else's hands. She's got new things to do. She's been working hard to establish a radio reading service for the blind in Alaska, which we have never had before. It is our hope that that service will be a reality within the next few months.

Here is something that is, I think, fairly unique, and some other affiliates and some other agencies may wish to do the same thing. We all know that the real problem we face as blind people is the attitude which exists in society. We know that we have a tremendous job to do to educate people to the truth about blindness. We also, incidentally, need Braille transcribers. So, we have set up a program. I was involved in establishing it. One of our staff members (Pascal Lambert, who is here at the convention) has been involved in it. Sandy and Louise have been involved in it. This summer we started a class at Anchorage Community College. What we

are doing is teaching philosophy about blindness and then teaching Braille to people who want to come to that class.

It is a full-fledged college credit class at Anchorage Community College. Pascal Lambert is the head professor if you will. I will make appearances there. Sandy will, and others will. We're going to do a lot of educating about blindness in the next little while. Obviously there is good literature to use in such a class. If you're going to try to teach the public about blindness, what better literature would there be than the literature of the

National Federation of the Blind? The class is going extremely well this summer. It is now fully scheduled to continue on and on. It's scheduled for sure in the fall. It's a permanent three-credit-hour class. So that's again an exciting thing that's really on a different front from the training center, but part of the progress which we're making.

As I said, I think we are making progress because of the partnership. I would conclude my remarks simply by saying this: We know who we are, and we will never go back.

RECIPES

CHEESECAKE MOUSSE

by Suzanne Magin

(Note: Suzanne Magin's husband, Herb, is a good insurance man, but his exploits in the world of insurance are no greater than Suzanne's in the kitchen.)

- 1) 3/4 cup water
- 2) 1/2 cup sugar
- 3) 1 1/2 tbsp. each, kirsch & cognac
- 4) 1 pkg. unflavored gelatin

- 5) 4 ounces cream cheese
- 6) 4 ounces ricotta
- 7) 6 eggs separated
- 8) 1 cup whipped cream, fresh

Mix first four ingredients in a saucepan and stir over medium heat until gelatin is dissolved.

In processor mix 5, 6, and egg yolks.

Blend well. Then cool in medium saucepan and stir over low heat until thick—about five minutes or so. But be careful. It will curdle if you try to thicken it too fast.

Mix in gelatin mix. Cool. If you want to cool it fast, put on ice water (mixture in metal bowl). Stir. It will cool fast.

Beat egg whites until stiff. Fold in

cooled mixture and cream (whipped).

Pour into cups or serving dishes. Refrigerate four to six hours.

Preparation time: 6 hours. Serves 8.

My favorite way to serve this is with a raspberry sauce. It cannot be frozen and reheated. It can be increased easily to serve more people.

VEGETABLE STRUDEL

by Suzanne Magin

3 cups broccoli, chopped
 3 cups cauliflower, chopped
 2 1/2 cups carrots, chopped
 1/4 stick butter
 1 large onion, chopped
 2 garlic cloves, crushed
 3 eggs
 1 tsp. salt
 2 tsps. parsley
 1 1/2 tsps. basil
 1/2 tsp. tarragon
 1 lb. Swiss cheese, shredded
 About 14 Greek phyllo dough sheets—
 bought in frozen foods section
 Another 1 - 1 1/2 sticks butter to use
 for buttering phyllo sheets

Combine vegetables and steam for 5 minutes—no more. Cool. Melt butter and saute onion and garlic until brown. Combine eggs and seasonings. Mix all together.

Butter phyllo sheets one at the time (about 14 or so). Put mixture along long side of dough. Fold over sides to hold mixture in and roll up. Be careful. It's heavy. Seal with butter.

Bake on cookie sheet at 375 degrees 20 - 30 minutes. Preparation time: 1/2 hour. Cooking time: 30 minutes. Serves 6 - 8.

Good for lunch or appetizer. I like to serve it with hollandaise sauce.

MONITOR MINIATURES * * * * *****Short Story Contest:**

The Writers Division of the National Federation of the Blind makes the following announcement:

The Writers Division is now holding a short story contest. The contest is open to anyone. Entries must be typed and can range from 750 to 1,000 words. There is no restraint on topic. Please include a one dollar check with each entry. All submissions should be previously unpublished. No simultaneous submissions. First prize is \$35, second prize, \$15. Winners will be published in SLATE & STYLE. No obscenity. The contest deadline is December 31, 1985. If you wish your story returned, please include a stamped, self-addressed envelope. Address all entries to: SLATE & STYLE, 132 Beach Drive, Merrick, New York 11566.

****Gold Medals:**

Peggy Woodward, Federationist from Colorado, won five gold medals this year at the 9th Annual United States Association for Blind Athletes competition at Montclair, New Jersey. More than 500 athletes from 33 states and Canada competed in a variety of athletic events according to their age group and ability to see. Peggy won in the 50-meter breast stroke, 200-meter individual medley, 100-meter freestyle, 50-meter freestyle, and 50-meter back crawl.

****New Arrival:**

Federationists will remember that John Thompson was formerly employed at the National Office of the Federation in Baltimore. He and his wife Mary now live in Missouri, and he is employed at

the Kansas State School for the Blind. We recently received the following announcement:

"Name: Scott Allen Thompson; Born: July 16, 1985, 2:27 a.m.; Weight: 10 pounds; Parents: John and Mary Thompson."

****Thrifty About Rights:**

Dean Bundy is a member of the Knoxville, Tennessee, Chapter. He writes:

"Our President is Sandy Boohers. The clerk in the ACB Thrift Store on Central Avenue here tried to kick her and her dog guide out not long ago. 'Can't you read the sign?' he said. 'No dogs allowed.' She told him that she and her dog could go anywhere they pleased, and he had no business of asking her to leave a store run by the American Council of the Blind. Naturally, the clerk was a fully sighted fellow."

****From Ohio:**

Ron Williamitis, President of the Dayton Federation of the Blind, writes:

"Just a couple of brief points that, in my opinion, would be worth printing in the "Monitor Miniatures" section. They concern one of our sighted members, and are as follows:

"Sandra Curtis, one of our long-time sighted members, recently received the top honor of Jaycee Woman of the Year for the Kettering area. This was made possible partly because of Sandra's efforts to spread our Federation message throughout the Jaycee movement. It is gratifying to see a sighted member learn and understand our message and assist in our public education efforts. Also as a second point, Sandra recently presented our local affiliate with a check for \$159.76 as a donation from her local

Jaycee chapter."

****Eastern Washington Organized:**

Albert Sanchez and Carol Wedrick, two of the leaders of the NFB of Washington, write:

"The month of August will be long remembered by many people for many things, but for us, and the NFB of Washington, it will be remembered as the month we reorganized a chapter in Eastern Washington! On Monday, August 12, we traveled via Amtrack to Spokane, where, with the able guidance of Dr. Norman Gardner, President of the NFB of Idaho, we did organizing and recruiting. After several days we held the meeting and formed a local chapter, and it will be a good one. The following people were elected: President, Paul Whipple; First Vice President, Jamie Weaver (a recent scholarship applicant); Second Vice President, Albert Sanchez (who is shortly moving to Spokane to open his piano tuning business); Secretary, Elizabeth Butterfield; and Treasurer, Lissa Nash (parent of a blind child). Don Edwards and Jim Barry were elected to the board."

****Comet Halley Returns:**

NASA makes the following announcement:

Comet Halley Returns, a NASA educational publication, is now available in Braille form. Comet Halley Returns provides a description of the history and basic properties of comets, focusing on Halley's Comet, which will become visible in early 1986. The publication also includes classroom activities designed to enhance the reader's knowledge and interest in this once in a lifetime astronomical event. Copies of Comet Halley Returns may be obtained free of

charge. Contact Joseph Nervi, Coordinator of Educational Programs for the Handicapped, at the following address with any comments or suggestions concerning Comet Halley Returns NASA Lewis Research Center, 21000 Brookpark Road, Cleveland, Ohio 44135, Attention: Joseph A. Nervi, Jr., Mail Stop 7-4.

****Cookbook Available:**

We have been asked to run the following announcement:

"I am now taking orders for a brand new cookbook in Braille. Food For Thought is a two-volume collection of some of the most mouthwatering recipes, beverages, breads, casseroles, and desserts. The selling price of this unique kitchen aid is \$20. As a special bonus for any orders of five copies or more, I am offering a discount of \$5 per copy. These cookbooks would make good Christmas presents for your Braille reading friends. To order, send a money order and your complete name, address, and zip code to April Enderton, 711 Gray, Des Moines, Iowa 50315. Please allow five weeks for delivery."

****Cassettes for Sale:**

The Writers Division of the National Federation of the Blind is selling 90-minute cassettes for \$2, which include major articles from the last three issues of SLATE & STYLE (the Division's publication), project information, and the reading of the Division by-laws. The cassettes provide a sample of the content of the newsletter. They are corded on two tracks. To order, write to Nancy Scott, 1141 Washington Street, Easton, Pennsylvania 18042. Checks should be made payable to: National Federation of the Blind Writers Division.

THE BRAILLE MONITOR

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